

TAM:MEM:mel

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN,	:	
Plaintiff	:	No. 1:CV-01-0677
	:	(Conner, J.)
v.	:	
	:	
RONALD L. JURY, Lieutenant,	:	
SIS, et al.,	:	Filed Electronically
Defendants	:	

BRIEF IN OPPOSITION TO PLAINTIFF'S
MOTION IN LIMINE

This is a Bivens complaint against Bureau of Prisons' employees claiming a deliberate indifference to Newman's safety and welfare. One of the defendants, Ronald L. Jury, was dismissed with prejudice, pursuant to Fed. R. Civ. P. 41(a), on March 19, 2002. Newman alleges that the remaining defendants, Lieutenant Louis Caprio and Lieutenant James White, allowed him to be assaulted on May 14, 1999, by another inmate, Kevin Tinsley, despite the fact that he sought defendants' protection prior to the day of the assault. The case is presently set for trial. Jury selection is scheduled to commence on May 24, 2004.

Presently before the Court is a motion in limine in which Newman requests that defendants be precluded "from presenting specific evidence to the jury" regarding the past histories or

religious affiliations of himself and his incarcerated witnesses, pursuant to Rule 404(b) of the Federal Rules of Evidence.

In response, defendants submit that they are not planning on introducing any evidence beyond what is permitted by Rules 404, 607, and 609 of the Federal Rules of Evidence. Additionally, defendants do not intend to introduce the religious backgrounds of Newman or his witnesses into evidence.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

s/Mark E. Morrison
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Date: April 12, 2004

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v.	:	
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on April 12, 2004, she served a copy of the attached

BRIEF IN OPPOSITION TO PLAINTIFF'S
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by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Emanuel Thomas Newman
Reg. No. 13418-039
Federal Correctional Institution
P.O. Box 1000
Oxford, WI 53952-1000

s/ Michele E. Lincalis
MICHELE E. LINCALIS
Paralegal Specialist